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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,514	05/25/2005	Harald Baumann	89927(58575-315072)	6468
1333 7590 04/13/2007 PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			EXAMINER HAMILTON, CYNTHIA	
			ART UNIT 1752	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/536,514

Applicant(s)

BAUMANN ET AL.

Examiner

Cynthia Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/22/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24 and 26-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39, 40, 42 and 44 is/are allowed.
- 6) ☒ Claim(s) 24, 26, 28, 34-38, 41, 43 is/are rejected.
- 7) ☒ Claim(s) 27, 29-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 24, 26, 28, 34-37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bi et al (WO 96/34314). With respect to instant claims 24, 26, 28, 34-37 and 38, Bi et al teaches a species of the instant invention with the exception of not setting forth a specific working example with the phosphate in the photosensitive layer. However, on page 19 Bi et al discloses a polymer with inhibitor and Y on polymer wherein Y can be phosphate to make up the free radical quencher polymer which in the first full paragraph on page 19 is disclosed as being part of the microcapsules in the photosensitive layer of which an example is set forth in Example 1 of Bi et al. Thus, the use of phosphate quencher polymers in photosensitive compositions coated on a hydrophilic substrate to form a lithographic printing plate precursors is made prima facie obvious by Bi et al thus making the invention of instant claims 24, 26, 28, 34-37 and 38 prima facie obvious over the full disclosure of Bi et al.
2. Applicant's arguments filed 22 January 2007 have been fully considered but they are not persuasive. With respect to rejections under 35 U.S.C. 103(a) as being unpatentable over Bi et al (WO 96/34314), applicants argue that because Bi et al do not put the polymeric inhibitor in the same layer as the rest of the photosensitive components then the coating of Bi et al with the polymeric inhibitor is not the instant "radiation-sensitive coating" of instant claims 24, 26, 28, 34-37 and 38. Applicants on page 19 of their specification make clear that the "radiation-sensitive coating" can be multiple layers. The section so saying is copied below:

The radiation-sensitive coating of the radiation-sensitive elements according to the present invention can consist of several "layers". It is not necessary for all components of the radiation-sensitive coating to be uniformly dispersed throughout the entire thickness of the radiation-sensitive coating; for instance, the stabilizer sorbed at the substrate surface is also considered part of the radiation-sensitive coating.

Thus, applicants' allegations that Bi et al does not make the instant invention obvious because the polymeric inhibitor of Bi et al is not in the photoresist layer of Bi et al do not remove the rejections because of the breadth of meaning of "radiation-sensitive coating" defined by applicants in their own specification. The rejection stands.

3. Claim 41 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In step (d) a mixture is applied but there is no indication as to what it is applied. . For these reasons the process of claims 41 and 43 are so vague as to be indefinite.

4. Claims 27 and 29-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 39-40, 42 and 44 are allowed.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

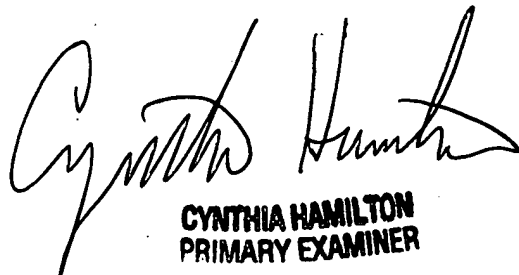
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Hamilton whose telephone number is 571-272-1331. The examiner can normally be reached on Monday through Friday 9:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on (571) 272-0729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**CYNTHIA HAMILTON
PRIMARY EXAMINER**

Cynthia Hamilton
Primary Examiner
Art Unit 1752

April 11, 2007